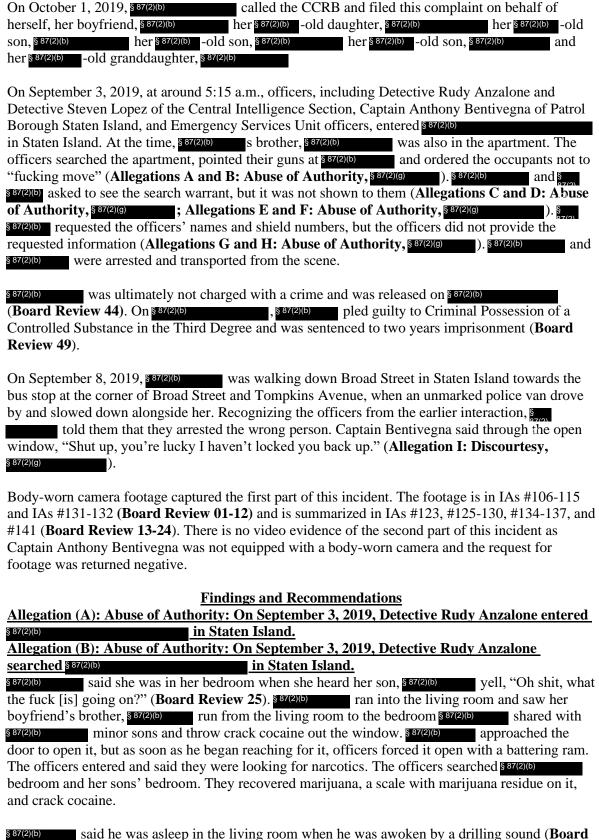
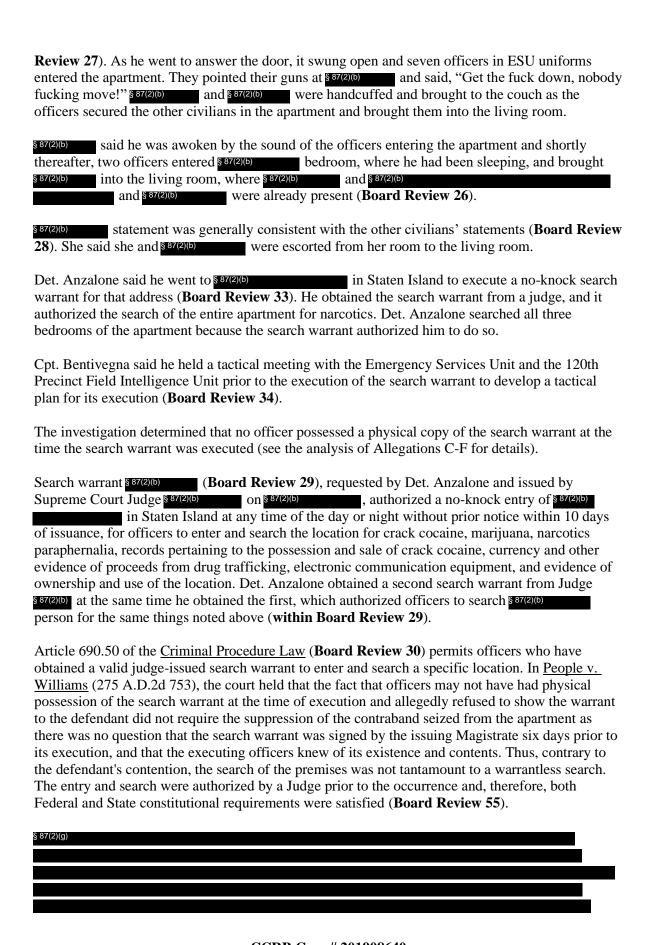
## CCRB INVESTIGATIVE RECOMMENDATION

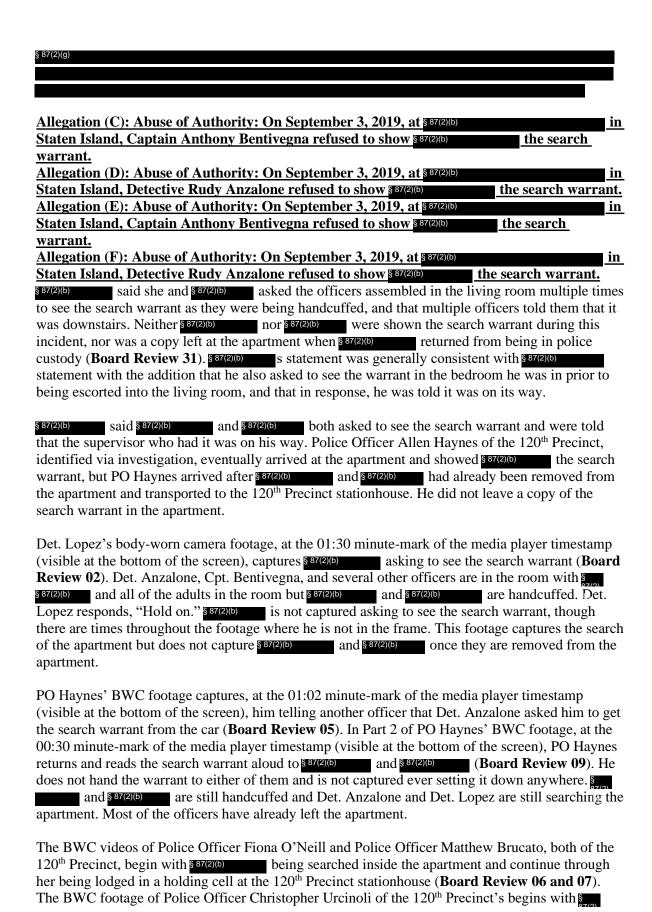
| Investigator:                                   |                  | Team:   | CCRB Case #:                            | ☐ Force  | ✓ Discourt. □ U.S.         |
|---|------------------|---|---|----------|----------------------------|
| Caroline Moses                                  |                  | Squad #13   | 201908640                               | ✓ Abuse  | O.L. Injury                |
| Incident Date(s)                                |                  | Location of Incident:   | •                                       | Precinct | :: 18 Mo. SOL EO SOL       |
| Tuesday, 09/03/2019 5:30 AM, 09/08/2019 8:30 AM | Sunday,          | § 87(2)(b) Broad Street and Tompkins Avenue                                 |   | 120      | 3/3/2021 10/18/2021        |
| Date/Time CV Reported                           |                  | CV Reported At:   | How CV Reported                         | : Date/T | ime Received at CCRB       |
| Tue, 10/01/2019 3:05 PM                         |                  | CCRB  | Phone                                   | Tue, 10  | 0/01/2019 3:05 PM          |
| Complainant/Victim                              | Туре             | Home Add  | ress                                    |          |                            |
| Witness(es)                                     |                  | Home Add  | ress                                    |          |                            |
| Subject Officer(s)                              | Shield           | TaxID   | Command                                 |          |                            |
| 1. Officers                                     |                  |   |   |          |                            |
| 2. DTS Rudy Anzalone                            | 5617             | 945472  | INT CIS                                 |          |                            |
| 3. CPT Anthony Bentivegna                       | 00000            | 878931  | PBSI                                    |          |                            |
| Witness Officer(s)                              | Shield N         | o Tax No  | Cmd Name                                |          |                            |
| 1. POM Adrian Klusek                            | 07981            | 956024  | 120 PCT                                 |          |                            |
| 2. SGT Thomas Woods                             | 05640            | 935987  | INT CIS                                 |          |                            |
| 3. DTS Steven Lopez                             | 04354            | 943498  | INT CIS                                 |          |                            |
| 4. POM Christophe Urcinoli                      | 27917            | 959323  | 120 PCT                                 |          |                            |
| 5. POM Allen Haynes                             | 6150             | 956729  | 120 PCT                                 |          |                            |
| 6. POM Vincent Reres                            | 16994            | 957998  | 120 PCT                                 |          |                            |
| 7. POM Christophe Serio                         | 31970            | 953388  | 120 PCT                                 |          |                            |
| 8. POM Matthew Brucato                          | 01232            | 966483  | 120 PCT                                 |          |                            |
| 9. POF Fiona Oneill                             | 06106            | 959000  | 120 PCT                                 |          |                            |
| Officer(s)                                      | Allegatio        | on  |   | I        | nvestigator Recommendation |
| A.DTS Rudy Anzalone                             | Abuse: O entered | on September 3, 2019, 87(2)(b)  | Detective Rudy Anza<br>in Staten Island |          |                            |
| B.DTS Rudy Anzalone                             | _                | n September 3, 2019,  | Detective Rudy Anza<br>in Staten Islan  |          |                            |
| C.CPT Anthony Bentivegna                        | in Sta           | on September 3, 2019,<br>ten Island, Captain An<br>search warrant to 887(2) | nth <mark>ony Bentivegna ref</mark>     | fused to |                            |

| Officer(s)               | Allegation   | Investigator Recommendation |
|--------------------------|--|-----------------------------|
| D.DTS Rudy Anzalone      | Abuse: On September 3, 2019, at \$87(2)(b) in Staten Island, Detective Rudy Anzalone refused to show the search warrant to \$87(2)(b)                  |                             |
| E.CPT Anthony Bentivegna | Abuse: On September 3, 2019, at \$87(2)(b) in Staten Island, Captain Anthony Bentivegna refused to show the search warrant to \$87(2)(b)               |                             |
| F.DTS Rudy Anzalone      | Abuse: On September 3, 2019, at sa7(2)(b) in Staten Island, Detective Rudy Anzalone refused to show the search warrant to sa7(2)(b)                    |                             |
| G. Officers              | Abuse: On September 3, 2020, at \$87(2)(b) in Staten Island, officers refused to provide their names to \$87(2)(b)                                     |                             |
| H. Officers              | Abuse: On September 3, 2020, at \$87(2)(b) in Staten Island, officers refused to provide their shield numbers to \$87(2)(b)                            |                             |
| I.CPT Anthony Bentivegna | Discourtesy: On September 8, 2019, at Broad Street and Tompkins Avenue in Staten Island, Captain Anthony Bentivegna spoke discourteously to \$87(2)(b) |                             |

## **Case Summary**

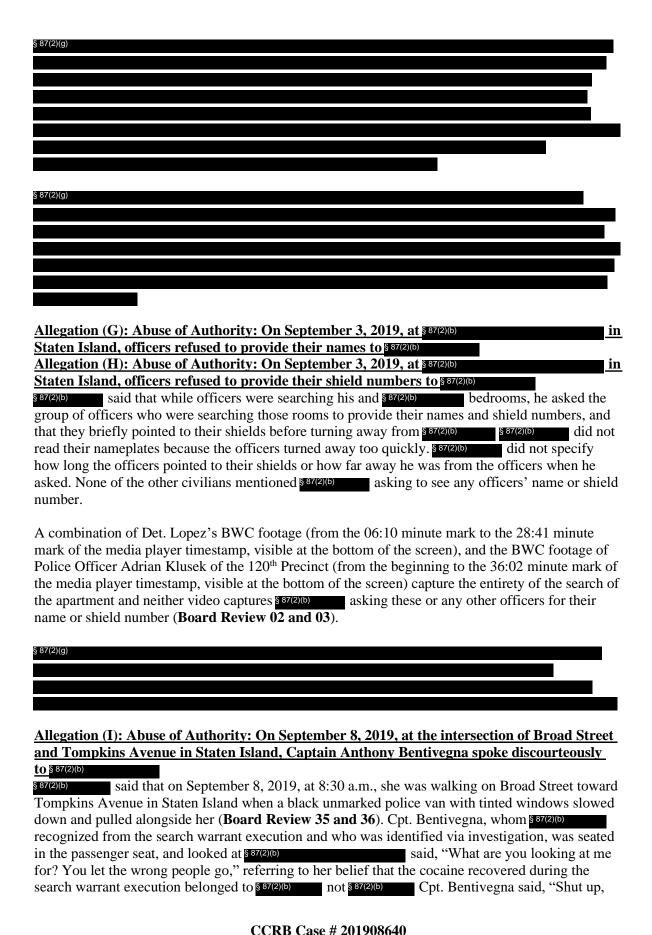






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537(2)(b) being removed from the apartment and continues through him being lodged in a holding cell (Board Review 08). At no point in any of the BWC videos is a search warrant presented to § 87(2)(b) Or to § 87(2)(b) Det. Anzalone acknowledged obtaining the search warrant, and said he brought a copy with him to the incident location, but that he left it in his vehicle by mistake. Det. Anzalone believed Cpt. Bentivegna, identified via investigation, also had a copy of the search warrant with him during this incident. Det. Anzalone believed his copy of the search warrant was left in the apartment at the conclusion of the execution (after it was retrieved from his car), though he was not certain of this. Det. Anzalone initially did not recall whether anyone asked to see the search warrant in his presence, but upon reviewing his BWC footage, acknowledged that it depicts §87(2)(b) to see the warrant in his presence. He said he did not show it to her because she was upset and he was concerned she might try to grab or tear it, because civilians sometimes do this during search warrant executions. Captain Bentivegna said he left his copy of the search warrant inside his vehicle during the search warrant execution. He did not know who else in the apartment had a copy of the search warrant. Cpt. Bentivegna left the location after approximately 10 to 15 minutes. He did not independently or \$87(2)(b) requesting to see the warrant, but he acknowledged being present at the point in the BWC footage when \$87(2)(6) is captured asking to see it. He never showed a copy of the search warrant to \$87(2)(b) or \$87(2)(b) and he was not sure if \$87(2)(b) were ultimately shown the search warrant by another officer. Det. Lopez acknowledged that his BWC footage captures \$87(2)(b) asking to see a copy of the search warrant, though he did not independently recall \$87(2)(b) or \$87(2)(b) asking to see it (Board Review 32). He said he was not required to have a copy of the search warrant with him as he did not obtain it. He did not know if one was ultimately shown to \$87(2)(b) or to \$87(2)(b) He speculated they may have been shown a copy of the search warrant later at the 120<sup>th</sup> Precinct stationhouse because that is when he typically chooses to show search warrants to civilians when he is the officer who obtained it. PO Haynes did not independently recall \$87(2)(b) asking to see the search warrant, but upon reviewing his BWC footage, acknowledged that it captures her asking to see the search warrant in his presence, and said Det. Anzalone asked him to retrieve it in response to \$87(2)(b) request (Board Review 50). PO Haynes acknowledged that by the time he returned to the apartment with the search warrant, §87(2)(b) had already been transported from the scene. He did not leave the search warrant inside the apartment because he thought it might have been the original document, in which case, it would have needed to be returned to the issuing judge after the search warrant execution. He thought it might be the original search warrant because he retrieved it from a file folder with several other documents. PO Haynes did not interact with § 37(2)(b) after leaving the apartment to retrieve the search warrant. PO Haynes believed he brought the search warrant back out to the car he retrieved it from but was unsure of this. NYPD Patrol Guide, Procedure 221-17 states that officers are required to show the search warrant to any occupant who requests it, "safety permitting" (Board Review 44). § 87(2)(g)



you're lucky I haven't locked you back up." \$87(2)(5) told Cpt. Bentivegna that he had nothing on her to lock her back up, and she continued walking toward her bus stop. The police van drove off.

The NYPD Legal Department did not locate any BWC footage of this incident (**Board Review 37**), and due to the complaint being filed three months after the incident, no TARU or video surveillance footage of this interaction could be recovered.

Cpt. Bentivegna said he was not working on September 8, 2019. He denied being at Broad Street and Tompkins Avenue that day, he denied encountering and he denied threatening to arrest her. Cpt. Bentivegna said he does not maintain an activity log, but the Patrol Borough Staten Island roll call for captains and above was obtained from the NYPD and confirmed that Cpt. Bentivegna was not working on September 8, 2019 (**Board Review 38**).

| § 87(2)(g) |  |
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## Civilian and Officer CCRB Histories

| • | § 87(2)(b) |  |  |
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- This is the first CCRB complaint to which \$87(2)(0) has been a party (**Board Review** 42).
- Det. Anzalone has been a member of service for 12 years and has been named as a subject in 15 cases comprised of 39 allegations, one of which was substantiated. §87(2)(9)
  - #201702888 involved a substantiated stop allegation. The Board recommended Command Discipline B, and the NYPD imposed Formalized Training.
- Cpt. Bentivegna has been a member of service for 37 years, and this is the first CCRB complaint in which he has been named a subject.

## **Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation.
- As of November 9, 2020, the New York City Office of the Comptroller had no record of a Notice of Claim being filed regarding this incident (**Board Review 43**).
- According to the Office of Court Administration, [887(2)(b)] has no criminal convictions in New York City (**Board Review 45, 52**).

| • | § 87(2)(b) |
|---|------------|
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|   |            |
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|   |            |
| • | § 87(2)(b) |

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According to the Office of Court Administration, \$87(2)(b) has no criminal convictions in New York City (Board Review 46, 54).

Squad No.: 13

Investigator: Inv. Caroline Moses | Inv. Caroline Moses | O3/17/2021 |
Signature | Print Title & Name | Date

Squad Leader: IM Laura Kastner | IM Laura Kastner | O3/17/2021

Print Title & Name

Date

Signature